

**To:** Mutter, Andrew[mutter.andrew@epa.gov]; Moler, Robert[Moler.Robert@epa.gov]; Greene, Nikia[Greene.Nikia@epa.gov]; Vranka, Joe[vranka.joe@epa.gov]; Elsen, Henry[Elsen.Henry@epa.gov]  
**From:** Mylott, Richard  
**Sent:** Tue 10/24/2017 8:48:15 PM  
**Subject:** Montana Standard Op-Ed on superfund

**Fyi. In case missed in today's clips....**

[http://mtstandard.com/opinion/editorial/butte-silver-bow-council-of-commissioners-must-open-secret-superfund/article\\_81dfbad8-1bcf-5ce8-bf99-1f250c3c2988.html](http://mtstandard.com/opinion/editorial/butte-silver-bow-council-of-commissioners-must-open-secret-superfund/article_81dfbad8-1bcf-5ce8-bf99-1f250c3c2988.html)

### **Butte-Silver Bow council of commissioners must open secret Superfund meetings**

When Silver Bow Creek Headwaters Coalition received the favorable decision from Judge Brad Newman that Butte's Silver Bow Creek was in fact a creek and thus protected as "waters of the State of Montana" in the Montana Constitution, he wrote some very significant and eye-opening statements.

- "This litigation seeks to ensure that the State of Montana and its agencies follow the law."
- "In this case the Plaintiffs stand in the shoes of government. They are seeking as a private attorney general to force the State to act appropriately with respect to the State's waters held in trust for the public."

Sister Mary Jo McDonald, Ron Davis and I filed this action as private citizens because we felt strongly this was the only option for our community to receive the quality Superfund cleanup and restoration our community deserved and needed and in fact was not receiving.

Our goal was simple -- Make Butte a better and more environmentally safe place to live. Cleanup of the creek and removal of all contaminated tailings was an essential part of that goal.

Bill Everett and Steve McNeece, Anaconda community leaders, have taken a strong pro-active stance demanding Anaconda receive the quality cleanup and restoration the community deserves. Including; addressing school and Benny Goodman Park contamination, as is required under federal/state environmental laws and the Montana Constitution. It is time for the Butte-Silver Bow Council of Commissioners and Chief Executive to do the same!

If the past weeks Superfund activities in Butte or better put, lack of activity, did not serve as wake up call for our leaders, I don't know what would. We learned;

- The State of Montana may not have the resources to do its proposed "band aid" removal of the Parrot Tailings behind the Civic Center.
- We learned the Montana Pole cleanup solution was in fact not working -- even though our leaders have been told by me and others for many years that is the case.
- Finally we learned the West Side Soils cleanup of Butte's west side and flats have not even received a cursory review as required under Superfund law.

The only solution I see at this point is for the council to remove "the cloak of confidentiality" and "closed door secret meetings" as the Anaconda leaders have done and take a strong pro-active transparent involvement in the situation. That pro-active involvement requires legal action against the EPA and the State. It is our only option and our only weapon!

I believe we have now passed the crossroads of cleanup in Butte and are headed in the wrong direction. The environmental and economic future of Butte depends on us changing that direction. I strongly believe Butte deserves better.

Sadly, with the current Trump Administration, our challenge will be more difficult. The saddest part to me, however, is that the folks from the past administrations, federal, state and local, who could have and

should have done what is right, did not.

Is it too late to change that failed direction? Who knows? However, I believe only legal action by the local leaders can accomplish that goal and change that direction!

Butte folks like me who offer constructive information are not the enemy! We don't write letters, op-eds, and emails to be critical or negative. We only write them because we care and are concerned about Butte's future.

I believe if no legal action is taken by the council, we will continue down the same failed path as written in 2005 a position paper titled "Cut and Run." They wrote: "The U.S. Environmental Protection Agency is prepared to walk away from the nation's largest Superfund site. More precisely, EPA is prepared to allow the responsible party, Atlantic Richfield Company (now British Petroleum/ARCO), to walk away without fully cleaning up the site. As a result, millions of cubic yards of mine tailings, smelting slag and other wastes will drain in perpetuity into the headwaters of the Clark Fork and Columbia Rivers. And the City/County of Butte-Silver Bow (and Anaconda) will be relegated into an industrial waste heap with dim economic prospects for recovery."

The ball is in the council's court!

-- Fritz Daily, of Butte, a former state legislator, is a longtime watchdog of Superfund cleanup in Butte.